

## Office of the Secretary of Defense

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AUTHORITY: E.O. 12356, 5 U.S.C. 301.

SOURCE: 54 FR 26959, June 27, 1989, unless otherwise noted.

## Subpart A—Policy

### § 159a.1 Purpose.

Information of the Department of Defense relating to national security shall be protected against unauthorized disclosure as long as required by national security considerations. This part establishes a system for classification, downgrading and declassification of information; sets forth policies and procedures to safeguard such information; and provides for oversight and administrative sanctions for violations.

### § 159a.2 Applicability.

This part governs the DoD Information Security Program and takes precedence over all DoD Component regulations that implement that Program. Under 32 CFR part 159, E.O. 12356, and Information Security Oversight Office (ISOO) Directive No. 1, it establishes, for the Department of Defense, uniform policies, standards, criteria, and procedures for the security classification, downgrading, declassification, and safeguarding of information that is owned by, produced for or by, or under the control of the Department of Defense or its Components.

### § 159a.3 Nongovernment operations.

Except as otherwise provided herein, the provisions of this part that are relevant to operations of nongovernment personnel entrusted with classified information shall be made applicable

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thereto by contracts or other legally binding instruments. (See DOD Directive 5220.22<sup>1</sup>, DoD 5220.22-R<sup>2</sup>, and DoD 5220.22-M<sup>3</sup>.)

#### § 159a.4 Combat operations.

The provisions of this part relating to accountability, dissemination, transmission, or safeguarding of classified information may be modified by military commanders but only to the extent necessary to meet local conditions in connection with combat or combat-related operations. Classified information should be introduced into forward combat areas or zones or areas of potential hostile activity only when essential to accomplish the military mission.

#### § 159a.5 Atomic energy material.

Nothing in this part supersedes any requirement related to "Restricted Data" in the Atomic Energy Act of August 30, 1954, as amended, or the regulations of the Department of Energy under that Act. "Restricted Data" and material designated as "Formerly Restricted Data," shall be handled, protected, classified, downgraded, and declassified to conform with Pub. L. 83-703 and the regulations issued pursuant thereto.

#### § 159a.6 Sensitive compartmented and communications security information.

(a) Sensitive Compartmented Information (SCI) and Communications Security (COMSEC) Information shall be handled and controlled in accordance with applicable national directives and DOD Directives and Instructions. Other classified information, while in established SCI or COMSEC areas, may be handled in the same manner as SCI or COMSEC information. Classification principles and procedures, markings, downgrading, and declassification ac-

<sup>1</sup>Copies may be obtained, if needed, from the Naval Publications and Forms Center, Attn: Code 106, 5801 Tabor Avenue, Philadelphia, PA 19120.

<sup>2</sup>Copies may be obtained at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

<sup>3</sup>Copies may be obtained, at cost, from the Government Printing Office.

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tions prescribed in this part apply to SCI and COMSEC information.

(b) Pursuant to 32 CFR part 159, the Director, National Security Agency/Chief, Central Security Service may prescribe special rules and procedures for the handling, reporting of loss, storage, and access to classified communications security devices, equipments, and materials in mobile, handheld or transportable systems, or that are used in conjunction with commercial telephone systems, or in similar circumstances where operational demands preclude the application of standard safeguards. These special rules may include procedures for safeguarding such devices and materials, and penalties for the negligent loss of government property.

#### § 159a.7 Automatic Data Processing systems.

This part applies to protection of classified information processed, stored or used in, or communicated, displayed or disseminated by an automatic data processing (ADP) system. Additional security policy, responsibilities, and requirements applicable specifically to ADP systems are contained in DoD Directive 5200.28<sup>4</sup> and DoD 5200.28-M.

### Subpart B—General Provisions

#### § 159a.9 Definitions.

(a) *Access*. The ability and opportunity to obtain knowledge of classified information.

(b) *Applicable Associated Markings*. The markings, other than classification markings, and warning notices listed or referred to in § 159a.31(d).

(c) *Carve-Out*. A classified contract issued in connection with an approved Special Access Program in which the Defense Investigative Service has been relieved of inspection, responsibility in whole or in part under the Defense Industrial Security Program.

(d) *Classification Authority*. The authority vested in an official of the Department of Defense to make an initial determination that information requires protection against unauthorized disclosure in the interest of national security.

<sup>4</sup>See footnote 1 to § 159a.3.